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UNCLAS SECTION 01 OF 02 ALMATY 002115

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DEPARTMENT FOR SCA/CEN (J. MUDGE), DRL/PHD (C. KUCHTA-  
HELBLING)

SENSITIVE

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E.O. 12958: N/A

TAGS: PHUM PGOV KZ

SUBJECT: KAZAKHSTAN: SARSENBAIULY MURDER TRIAL BEGINS

Ref: Almaty 2069

11. (SBU) Summary: The highly-anticipated trial of the ten men accused in the murder of opposition leader Altynbek Sarsenbaiuly and his associates began June 14 in Taldykorgan, a regional capital several hours' drive from Almaty. The judges suspended the proceedings after only a few minutes on the first day due to the absence of one defense lawyer. On the second day, they rejected a motion by the victims' families to move the trial to Almaty. The victims' families, opposition leaders, and many journalists see the choice of venue and slow progress as part of a strategy to diminish the public profile of the trial. End summary.

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Day One: Off to a Slow Start  
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12. (U) The trial of the ten individuals charged with participating in the murders of opposition leader Altynbek Sarsenbaiuly and his associates Baurzhan Bekbolsyn and Anatoliy Zhurablyov began on June 14 in Taldykorgan, the capital of Almatinskaya Oblast. Pol-econ chief and Pol FSN observed the proceedings from an adjoining room via closed circuit television. The OSCE Center also sent an observer. A wide range of domestic and international media outlets were present. Security at the courthouse was tight, with dozens of MVD officers and several special forces officers wearing balaclavas and carrying automatic weapons stationed inside and around the building. The defendants were held in the courtroom in a cage made of heart-shaped wrought iron.

13. (U) The panel of three judges began the proceedings at 10:15 with a roll call of defendants' lawyers. When it was established that defendant Rustam Ibragimov's lawyer was not present, defendant Yerzhan Utembayev called for a postponement. The other defendants and their lawyers echoed the motion. It was also noted that the victims' families were not present. The presiding judge, Lukman Merekenov, adjourned the hearing until 14:00 to consider the motion.

14. (SBU) When the proceedings resumed, the sound had failed on the closed circuit television link to the adjoining room where the majority of the observers were seated. Several journalists and other observers had heated exchanges with court officials, accusing them of deliberately sabotaging the system.

15. (SBU) The proceedings reconvened for approximately ten minutes before the judge adjourned until 10:00 on June 15. According to the OSCE observer, who was seated in the main courtroom, the court was informed that Ibragimov's lawyer had decided not to attend because he was dissatisfied with the court's refusal to consider his June 8 motion to dismiss all the charges against his client. During the brief session, the Procuracy offered to pay for transportation, lodging, and meals so that the victims' families could attend the trial. (Note: Taldykorgan is 265 km, about a 3.5 hour drive, from Almaty.)

16. (SBU) Journalists and other observers commented after the second adjournment that the authorities appeared to be playing a waiting game, hoping that public attention would wane. The western news agencies, which have only one reporter each, said that they were stretched particularly thin by the decision to hold the trial in Taldykorgan. Their editors want them to be in Almaty to cover events such as the June 17 CICA Summit.

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Press Conference in Almaty  
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17. (SBU) True Ak Zhol leader Oraz Zhandosov informed pol-econ chief on June 13 that the victims' families and opposition leaders would not attend the trial until a motion

to change the venue to Almaty was considered. Zhandosov, TAZ co-chair Tulegen Zhukenov, and the slain oppositionist's brother Rysbek Sarsenbaiuly held a press conference on June 14 in Almaty to underscore their objections to the venue. Sarsenbaiuly stated that Altynbek's parents, relatives, and friends wanted to "attend the trial and look into the eyes of the accused," but could not due to the remote location and expected length of the proceedings. He also expressed fear for his own safety if he traveled to Taldykorgan, claimed his car has been followed since the killings. Sarsenbaiuly said that if the authorities had the victims' families' interests in mind, they would hold the trial in an Almaty courtroom that could seat at least 100 people.

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Day Two: Venue Change Rejected  
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18. (U) According to a June 15 report issued by For a Just Kazakhstan, on the second day of the proceedings the judges rejected a motion filed by Sarsenbaiuly's widow Saltanat Atusheva to change the venue to Almaty. Defendants Utembayev and Miroshnikov reportedly made similar motions. FJK also reported that defendants Abikenov and Miroshnikov stated in court that they had been pressured by procuracy representatives to request a change of venue from the Almaty military court to the Almatinskaya Oblast court.

19. (SBU) Comment: The location of the trial and the limited size of the courtroom will have a significant impact on the ability of the media and international observers to cover the trial. Post will follow the proceedings closely, coordinate with other observers, and send representatives to the key portions of the trial. End comment.

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